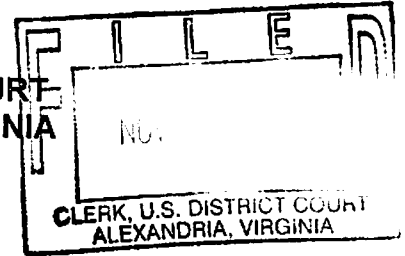


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)



YOLANDE FROST,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Civil Action No. 1:13CV1377  
AJT/IDD

**NOTICE OF REMOVAL**

Defendant HOME DEPOT U.S.A., INC. ("Home Depot"), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court of the County of Fairfax, Virginia ("Circuit Court"), to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Home Depot states as follows:

1. There is pending in the Circuit Court of the County of Fairfax, Virginia, a Complaint styled Yolande Frost v. Home Depot U.S.A., Inc., Case No. 2012-15997 (the "State Court Action"). The Complaint in the State Court Action was filed on or about October 24, 2012. A copy of the Complaint is attached hereto as Exhibit A.
2. Home Depot received a copy of the Complaint in the State Court Action on October 16, 2013.

3. Home Depot filed an Answer on the 4th day of November, 2013, in the Fairfax County Circuit Court, but no further proceedings have been had in the State Court Action. A copy of the above referenced responsive pleadings is attached hereto as Exhibit B.

4. This Notice of Removal is filed within thirty days of the date upon which Home Depot U.S.A., Inc. first received a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Home Depot U.S.A., Inc. is informed and believes that plaintiff, Yolande Frost, is an individual residing in and a citizen of the Commonwealth of Virginia. See Exhibit A, ¶ 1.

7. Home Depot is incorporated under the laws of the State of Delaware with its principal places of business in Atlanta, Georgia.

8. Plaintiff's Complaint seeks damages from Home Depot in the amount of \$400,000 in compensatory damages.

9. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff Frost and Home Depot, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal will promptly be given to plaintiff and the Clerk of the Circuit Court of the County of Fairfax, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant HOME DEPOT U.S.A., INC. respectfully requests that this case proceed before this Court as an action properly removed.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was mailed, first class, postage prepaid, this 4th day of November, 2013, to

Laurie Frost Wilson, Esq.  
8950 Hooes Road  
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*Counsel for Plaintiff*



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